

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3855 of 2007()

CRMP.1900/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.275/07 OF KOTTIYAM POLICE STATION
.....

PETITIONER/FIRST ACCUSED

VIJAYAGOPAN, AGED 26 YEARS, S/O.VIJAYAN,
VIJAYABHAVANIL, NALLILA CHERY, NEDUMPANA
VILLAGE.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3855 of 2007

Dated this the 27th day of June, 2007

ORDER

Second application for regular bail. The offences alleged include the one punishable under Section 376 I.P.C. The petitioner, an unmarried bus conductor, aged about 26 years, kidnapped a girl aged about 14 years. They lived in various places for some period of time. During this period, the ornaments of the girl were allegedly pledged/sold to raise money. The petitioner and the girl were apprehended later on 3.5.2007. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that notwithstanding the fact that the girl falls below the age of consent, the fact remains that the elopement, intercourse etc. were all with consent. There is no allegation that the petitioner committed any other offence against the victim. There is dispute raised about her age also. The petitioner may, in these circumstances, be granted bail, submits the counsel for the petitioner.

3. The learned Prosecutor does not seriously oppose the application. He only prays that some further time may be granted to the Investigator to complete the investigation. He further prays that

appropriate conditions may be imposed. I am satisfied that bail can be granted to the petitioner subject to appropriate conditions.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 3.7.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until further orders.

(d) He shall not enter the jurisdiction of Kottiyam police station except for the purpose of condition No.3 above.

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(R. BASANT)
Judge

